

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION**

IN RE:	*	
	*	
LESLIE McDANIEL,	*	Case No. 12-41231-JTL
	*	
Debtor,	*	
	*	Chapter 13
<hr/> LESLIE McDANIEL, Individually and as	*	
Representative of her Bankruptcy Estate,	*	
	*	
Plaintiff,	*	
	*	
v.	*	Adv. No. 13-04013
	*	
SUNTRUST BANK, SUNTRUST	*	
MORTGAGE, INC., McCALLA	*	
RAYMER, LLC, FOXFIRE ACRES, INC.,	*	
THE UNITED STATES by and through	*	
THE INTERNAL REVENUE SERVICE,	*	
THE STATE OF GEORGIA (Represented	*	
by the DEPARTMENT OF REVENUE),	*	
THE GROGAN GROUP, LLC d/b/a	*	
GROGAN & GROGAN, and THE	*	
COLUMBUS CONSOLIDATED	*	
GOVERNMENT,	*	
	*	
Defendants.	*	

**ANSWER**

COMES NOW, the Georgia Department of Revenue, by and through counsel, Samuel S. Olens, Attorney General of the State of Georgia, and answers the Complaint in the above-styled Action as follows:

**FIRST DEFENSE**

The Complaint fails to state a claim upon which relief can be granted.

**SECOND DEFENSE**

The Complaint is barred in part by the Eleventh Amendment.

### THIRD DEFENSE

Defendant answers the specific allegations of the Complaint as follows:

1.

Defendant states that the allegations in paragraph 1 of the Complaint are not factual averments and therefore cannot be admitted or denied.

2.

Defendant states that the allegations in paragraph 2 of the Complaint are not factual averments and therefore cannot be admitted or denied.

3.

Defendant states that the allegations in paragraph 3 of the Complaint are not factual averments and therefore cannot be admitted or denied.

4.

Defendant admits the allegations contained in Paragraph 4 of the Complaint.

5.

Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 5 of the Complaint.

6.

Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 6 of the Complaint.

7.

Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 7 of the Complaint.

8.

Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 8 of the Complaint.

9.

Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 9 of the Complaint.

10.

Defendant admits the allegations contained in Paragraph 10 of the Complaint.

11.

Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 11 of the Complaint.

12.

Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 12 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 13 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 14 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 15 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 16 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 17 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 18 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 19 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 20 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 21 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 22 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 23 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 24 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 25 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 26 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 27 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 28 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 29 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 30 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 31 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 32 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 33 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 34 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 35 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 36 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 37 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 38 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 39 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 40 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 41 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 42 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 43 of the Complaint.

44.

Defendant admits the allegations contained in Paragraph 44 of the Complaint that relate to the State of Georgia. Defendant states that it is without sufficient knowledge to admit or deny the other allegations contained in Paragraph 44 of the Complaint.

45.

Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 45 of the Complaint.

46.

The Defendant denies the allegations contained in Paragraph 46 of the Complaint that relate to the State of Georgia. Defendant states that it is without sufficient knowledge to admit or deny the other allegations contained in Paragraph 46 of the Complaint.

47.

Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 47 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 48 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 49 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 50 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 51 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 52 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 53 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 54 of the Complaint.

55.

Defendant admits the allegations contained in Paragraph 55 of the Complaint.

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Defendant states that he is without sufficient knowledge to admit or deny the allegations contained in Paragraph 56 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 57 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 58 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 61 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 70 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 71 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 72 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 73 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 74 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 75 of the Complaint.

76.

The Defendant denies the allegations contained in Paragraph 76 of the Complaint.

77.

The Defendant denies the allegations contained in Paragraph 77 of the Complaint.

78.

The Defendant denies the allegations contained in Paragraph 78 of the Complaint.

79.

Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 79 of the Complaint.

80.

Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 80 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 81 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 82 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 83 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 86 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 87 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 88 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 89 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 90 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 91 of the Complaint.

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Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 92 of the Complaint.

93.

Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 93 of the Complaint.

94.

Defendant states that it is without sufficient knowledge to admit or deny the allegations contained in Paragraph 94 of the Complaint.

95.

Defendant denies each and every allegation of the Complaint not specifically admitted, qualified or denied herein.

WHEREFORE, Defendant respectfully requests that the relief sought by Plaintiff be denied and that it be granted such other and further relief as the Court deems just and proper.

This 25<sup>th</sup> day of November, 2013.

Respectfully submitted,

SAMUEL S. OLENS 551540  
Attorney General

W. WRIGHT BANKS, JR. 036156  
Deputy Attorney General

/s/ Audrey Seidle Eshman  
AUDREY SEIDLE ESHMAN 861119  
Assistant Attorney General

PLEASE ADDRESS ALL  
COMMUNICATIONS TO:

AUDREY SEIDLE ESHMAN  
Assistant Attorney General  
40 Capitol Square, S.W.  
Atlanta, Georgia 30334-1300  
Telephone: (404) 651-9457  
Fax: (404)657-3239  
E-mail: aseidle@law.ga.gov

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a copy of the foregoing ANSWER  
upon:

Fife M. Whiteside  
P.O. Box 5383  
Columbus, Georgia 31906

Kristin Hurst, Chapter 13 Trustee  
Office of the Chapter 13 Trustee  
P.O. Box 1907  
Columbus, Georgia 31902

by placing the same into the United States mail with adequate, first-class postage placed  
thereon.

This 25<sup>th</sup> day of November, 2013.

/s/ Audrey Seidle Eshman  
AUDREY SEIDLE ESHMAN  
Assistant Attorney General